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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,422	09/27/2000	Kyle Lemons	CITI0186	5930
27510	7590	03/09/2006	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 03/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,422

Applicant(s)

LEMONS ET AL.

Examiner

Richard C Weisberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) 26-43 and 69-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 44-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/2001, 09/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of claims 1-25 and 44-68 in the reply filed on is acknowledged.

Specification

1. The disclosure is objected to because of the following informalities:
2. At page 25, line 2, the application refers to Fig 25. The drawings do not include a figure 25. Also at line 22, the specification refers to command dispatch agent 306. Figure 15 does not include a component # 306.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1-25 and 44-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are directed to a method however there are many apparatus limitations which are indefinite. Taken together, the method steps and apparatus limitations fail to circumscribe a clear and definitive invention.

See, a financial services delivery system. The specification fails define said financial services and what components are essential to said system. The term managed component is vague and indefinite. The specification teaches an ATM. Are these terms synonymous The step of translating is vague and indefinite as to what is being

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translated. In what format is the input and in what format is the output. Executing a command via an interface published by said manages component confusing. Can the applicant provide an example using an ATM. In the claims a management protocol agent is vague and indefinite. What is this hardware. Where does it exist? Also, a dispatch agent is vague and indefinite. The step of obtaining the managed component for a component registry is indefinite. Please provide an example using a ATM. Likewise please provide an example of the claim language of claims 12-25 using a conventional ATM network.

With respect to claims 44-68, The preamble is directed to a system, yet the body of the claim does not contain any limitations indicating the structure of the device. The means + function limitations are each directed to software code. A system or an apparatus claim should always claim the structure or the hardware that performs the function.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 and 44-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Coutts et al 6,311,165.

The reference teaches the claims invention¹. For example, the reference teaches a method for managing a financial services delivery system component, receiving a management request from an external system management component relative to a managed component; translating the management request into a specific command relative to the managed component; executing the command via an interface published by the managed component; and providing a response to the management request, receiving the management request further comprises receiving the request by a management protocol agent, wherein receiving the management request further comprises receiving the request via an external interface, wherein translating the management request further comprises translating the request by a management protocol agent, wherein translating the management request further comprises translating the request from a remote system management protocol into the specific command wherein translating the management request further comprises translating the request into at least one of an inquiry command, a stop command, and a start command (col. 8, col. 12, col. 11, col. 16, and col. 20). Moreover, the examiner takes official notice of the method of the prior art can be performed by the SNMP management protocol agent. The limitation of claims 12-25 are likewise taught by the

¹ As discussed, *intra*, the claims fail to satisfy the requirements of 112nd, thus the rejection may not be commensurate with the applicant's claims construction intent.

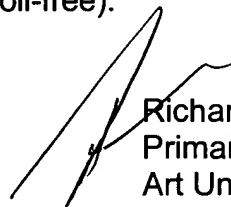
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same column numbers using the SNMP protocol. As for claims 44-68, the claimed apparatus as best can be understood claiming only the method steps of claims 1-25 are also taught by the primary reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin can be reached on 571 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard C Weisberger
Primary Examiner
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